

REMARKS

Claims 1-12, 16, 17, 22-27, 32 and 33 are pending in the present application. Claims 1 and 8 are in independent form. Claim 26 is amended. Claims 13-15, 18-21, 28 and 34 are cancelled.

Initially, Applicants appreciate the Examiner's acknowledgment that all certified copies pertaining to foreign priority claimed under 35 U.S.C. §119 have been received, and the indication that the references submitted in the Information Disclosure Statements filed on June 26, 2007 and September 28, 2006 have been considered.

I. **DRAWING OBJECTION**

The drawings stand objected to under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims. Namely, the Examiner states that the following features must be shown in the drawings, or cancelled from the claims: the radial and axial pump recited in claims 13 and 14, the line for mixing cooling water recited in claim 15, the cooling device recited in claim 18, the monitoring and control device recited in claim 19, the locking circuit recited in claim 20, the non-return valve recited in claims 21 and 34, and the adjustable outlet-flow diffuser recited in claim 28.

By the present Amendment, Applicants submit that claims 13-15, 18-21, 28 and 34 have been cancelled. Thus, the rejection has been rendered moot.

Withdrawal is respectfully requested.

II. 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

Claims 26 and 28 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Namely, the Examiner states that the recitation “the device is used for in each case one internal combustion engine, in different marine vessel safety areas of a navel vessel” is unclear.

By the present Amendment, Applicants submit that claim 26 has been amended to recite “the device is used with an internal combustion engine in a naval vessel, the internal combustion engine and the device being in a safety area of the naval vessel.”

Thus, Applicants respectfully request that the Examiner reconsider and withdraw the §112, second paragraph rejection to claim 26.

Furthermore, claim 28 has been cancelled. As such, the rejection to claim 28 has been rendered moot.

III. 35 U.S.C. § 112, FIRST PARAGRAPH REJECTION

Claims 15, 18-21, 28 and 34 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

As mentioned above, claims 15, 18-21, 28 and 34 are cancelled.

Accordingly, the rejection has been rendered moot.

IV. DOUBLE-PATENTING REJECTION

Claims 1-14, 16, 17, 22-25, 27, 32 and 33 stand rejected on the ground of nonstatutory double patenting over claims 1-4 and 11, respectively, of U.S. Patent No. 7,160,161. Applicants respectfully traverse the rejection for the reasons detailed below.

Along with the present Amendment, Applicants have filed a terminal disclaimer, which disclaims the terminal part (with some limitations) of the statutory term of any patent granted from the instant application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 7,160,161, in accordance with 37 C.F.R. §1.321(c) in order to overcome the non-statutory obviousness-type double patenting rejection.

Thus, Applicants submit that the non-statutory obviousness-type double patenting rejection has been rendered moot. Withdrawal is respectfully requested.

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CONCLUSION

In view of the above, reconsideration of the objection and rejections and allowance of each of claims 1-12, 16, 17, 22-27, 32 and 33 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

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Enclosures: Check for \$130.00
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